

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

IBRAHIM Z. MATARI and
CRYSTAL L. FOSTER,

Defendants.

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8:11CR386

ORDER

This matter is before the court on the motion to continue by defendant Crystal L. Foster (Foster) (Filing No. 57). Foster seeks a continuance of the trial of this matter which is scheduled for November 26, 2012. Foster has filed an affidavit wherein Foster represents that she consents to the motion and acknowledges she understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Foster's counsel represents that government's counsel and Matari's counsel have no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Fosters motion to continue trial (Filing No. 57) is granted.
2. Trial of this matter as to both defendants, Matari and Foster, is re-scheduled for **January 7, 2013**, before Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **November 8, 2012, and January 7, 2013**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 8th day of November, 2012.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge